

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ADA L. RODRIGUEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL NO. 09-2202 (CVR)

OPINION AND ORDER

Plaintiff Ada L. Rodríguez (hereafter plaintiff “Rodríguez”) filed the present action to obtain judicial review of the final decision of the defendant, the Commissioner of Social Security (hereafter “Commissioner”), denying the application for entitlement to a period of disability and ensuing benefits. Plaintiff Rodríguez was appointed *pro-bono* counsel, Atty. Salvador Medina De La Cruz, who filed an Amended Complaint and served summons. (Docket No. 31).

To this day, the Commissioner has not answered the Amended Complaint nor filed a copy of the administrative record. However, on February 13, 2013, the Commissioner requested entry of Judgment with reversal and the case be remanded for good cause and further action by the Commissioner. (Docket No. 42). Remand was requested since in essence the administrative record as to plaintiff Rodríguez was inadvertently destroyed and cannot be completed. If the record evidence cannot be recovered, the Commissioner will remand the case to an Administrative Law Judge who will hold a *de novo* hearing on plaintiff’s claim and issue a new decision. The request by the Commissioner is considered

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good cause for remand as per joint conference committee in the Social Security Disability Amendment of 1980. H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980).¹

In view of the foregoing, this United States Magistrate Judge orders this case be remanded to the Commissioner of Social Security for further administrative action.

Judgment to be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, on this 13th day of February of 2013.

S/CAMILLE L. VELEZ-RIVE
CAMILLE L. VELEZ RIVE
UNITED STATES MAGISTRATE JUDGE

¹ See Melkonyan v. Sullivan, 501 U.S. 89, 100 n.2, 111 S.Ct. 2157, 2164 n.2 (1991); Shalala v. Schaefer, 509 U.S. 292, 113 S.Ct. 2625, 2629 n.2 (1993).